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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,325	07/22/2003	Wealthy Desai	9400-34	7298
39072	7590	08/01/2005	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC, P.A.			LEVINE, ADAM L	
P.O. BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	

3625

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EA

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/624,325		DESAI, WEALTHY	
	<b>Examiner</b>		<b>Art Unit</b>	
	Adam Levine		3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>14 October 2003</u> . | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Specification*

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-84 are rejected under 35 U.S.C. 102(b) as being anticipated by Superpages (a collection of prior art cited in PTO-892; Items U1-X7). See MPEP §2131.01.**

Superpages teaches all the limitations of Claims 1-84. For example, Superpages discloses providing a Web site accessible by a customer and receiving a request from the customer at the Web site to place the order for the listing of a business in a business directory (see at least U1 pp.1-2, V3 pp. 1-2, and U6 p.1; Please note: V3 and U6 show that these features are inherent in U1. Please note that throughout this Non-Final Office Action, Items W1-X7, when cited, are used to show the inherency of each element in Items U1 and V1. Items U1 and V1 are versions of the same homepage

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differing only in the date on which they were recorded. Items W1-X7 are more detailed sub pages accessible through the homepage. V1 is a more complete copy of the homepage, and its early date shows that the functional elements detailed in items W1-X7 were present as of June 28, 2001, however, because not all of the webpages shown as items W1-X7 are dated prior to June 28, 2001, Item U1 is being used to show the total state of the enabled business directory website at least as early as its date, July 20, 2002, the latest date of all the reference materials listed on the form PTO-892 included herewith). Superpages further discloses:

- the business directory is a classified business directory (see at least U1 pp.1-2, V1 pp.1-2, W1 p.1, and X5 pp.1-2).
- displaying to the customer at the Web site a solicitation to enhance the listing with at least one optional listing enhancement, wherein the at least one optional listing enhancement can be purchased with an associated fee (see at least U1 pp.1-2, V2 pp.1-2, W2 pp.1-2, X2 pp.1-2, U3 p.1, W3 pp.1-4, U4 pp.1-2, W4 pp.1-2); receiving listing information from the customer at the Web site, wherein the listing information includes basic business information (see at least U1 pp.1-2, W3 p.1-4, X3 p.1).
- displaying at the Web site a list of available optional listing enhancements and receiving from the customer at the Web site a selection of at least one optional listing enhancement from the list of available optional listing enhancements (see at least U1 pp.1-2, V2 pp.1-2, W2 pp.1-2, X2 pp.1-2, U3 p.1, W3 pp.1-4, U4 pp.1-2, W4 pp.1-2).

- receiving listing information from the customer at the Web site, the listing information including at least one of business market information, business category information and optional listing enhancement information relating to the placement and/or appearance of the listing in the business directory: basic business information including a business name, a business address, and a business telephone number, business market information including a region or market in which the customer wishes the business listing to appear, business category information including at least one business category under which the customer wishes to list the business in the business directory, also providing for at least two categories under which the customer wishes to list the business in the business directory; displaying at the Web site a list of available business categories and subcategories and receiving from the customer at the Web site a selection of a business category and subcategory from the list of available business categories and subcategories (see at least U1 pp.1-2, X1 p. 1-2, U2 pp.1-2, V2 pp.1-2, W2 pp.1-2, X2 pp.1-2, X3 p.1, U3 p.1, W3 pp.1-4, U4 pp.1-2, W4 pp.1-2, X4 pp.1-2, V5 pp.1-6, W6 p.1).
- receiving listing information from the customer at the Web site, the listing information including at least one of business market information, business category information and optional listing enhancement information relating to the placement and/or appearance of the listing in the business directory: including optional listing enhancement information that includes graphical and/or textual indicia the customer wishes to appear on the listing in the

business directory, the graphical and/or textual indicia including at least one of a customer Web site link, a customer email link, enhanced text, listing highlighting, and a link to a supplemental listing, including a link to an enhanced listing, further including receiving supplemental information from the customer at the Web site that the customer wishes to be displayed when the link to the supplemental listing is accessed by a directory user; and also including receiving enhanced text information from the customer at the Web site that the customer wishes to appear on the listing in the business directory (see at least U1 pp.1-2, U2 pp.1-2, V2 pp.1-2, W2 pp.1-2, X2 pp.1-2, U3 p.1, W3 pp.1-4, X3 p.1, X4 pp.1-2, V5 pp.1-6).

- receiving billing information from the customer at the Web site (see at least U1 pp.1-2, V3 pp. 1-2).
- generating a price quote for the business listing ordered by the customer and displaying the price quote to the customer at the Web site; calculating the price quote based on features requested by the customer to be included in the business listing (see at least U1 pp.1-2, U2 pp.1-2, V2 pp.1-2, U3 p.1, W4 p.1-2).
- displaying a statement of terms and conditions to the customer at the Web site and receiving confirmation of acceptance of the terms and conditions from the customer at the Web site (see at least U1 pp.1-2, V5 pp.1-6, W5 pp.1-6, X6 pp.1-4, U7 pp.1-6, W7 pp.1-3).

- generating an order confirmation and displaying it to the customer at the Web site (see at least U1 pp.1-2, X3 p.1, Please note: it is an inherent aspect of the “Buy Ads Online” option and the option to see how the listing appears that the order confirmation would then be displayed to the customer, at least in the form of showing the customer’s listing).
- the order serving to provide enhancements to an existing business listing in the business directory (see at least U1 pp.1-2, W3 pp.1-4, X3 p.1, V4 pp.1-2, U6 p.1, V7 p.1, X7 p.1).
- business directory is an online business directory (see at least U1 pp.1-2).
- sending the customer an email including information regarding the order for the listing in the business directory (see at least U1 pp.1-2, V3 pp.1-2).

Pertaining to system Claims 29-56

Rejection of Claims 29-56 is based on the same rationale as noted above (Please note: the means for accomplishing each step of the method, as disclosed in the Superpages reference noted above, is either disclosed or inherent in each specific section of the reference that discloses the step in the method. For example, the means for receiving a request from the customer at the Web site to place the order for the listing of the business in the business directory is disclosed in Superpages (see at least U1 pp.1-2, V3 pp. 1-2, and U6 p.1) in the form of the webpages themselves, while the means for displaying to the customer at the Web site a solicitation to enhance the listing with at least one optional listing enhancement, wherein the at least one optional listing enhancement can be purchased with an associated fee is inherent in the webpages

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disclosed in Superpages (see at least U1 pp.1-2, V2 pp.1-2, W2 pp.1-2, X2 pp.1-2, U3 p.1, W3 pp.1-4, U4 pp.1-2, W4 pp.1-2) because they must be displayed to the customer in order to achieve their essential function.

*Pertaining to computer program product Claims 57-84*

Rejection of Claims 57-84 is based on the same rationale as noted above (Please note: the computer program product and computer readable storage medium having computer readable program code embodied in the medium configured to accomplish each step of the method, as disclosed in the Superpages reference noted above, is inherent in each specific section of the reference that discloses the step in the method. For example, the computer program product for receiving an order for a listing of a business in a business directory comprising a computer readable storage medium having computer readable program code embodied in the medium, the computer readable program code comprising computer readable program code configured to provide a Web site accessible by a customer, and computer readable program code configured to receive a request from the customer at the Web site to place the order for the listing of the business in the business directory is inherent in the webpages and method steps disclosed in Superpages (see at least U1 pp.1-2, V3 pp. 1-2, and U6 p.1) because without those elements the webpages could not exist.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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- PTO 892 Item U8: The Real Yellow Pages ONLINE (June 20, 2001);  
[web.archive.org/web/20010620114337/www.yp.bellsouth.com/yp/layout1.jhtml](http://web.archive.org/web/20010620114337/www.yp.bellsouth.com/yp/layout1.jhtml), p.1. Shows categorized classified online business directory. Webpage has many graphical similarities to the present application.
- PTO 892 Item V8: YellowPages.com (July 18, 2002);  
[web.archive.org/web/20020718132446/www.yellowpages.com](http://web.archive.org/web/20020718132446/www.yellowpages.com), p.1. Shows categorized classified online business directory.
- PTO 892 Item W8: YellowPages.com (August 16, 2001);  
[web.archive.org/web/20010812185015/http://info.yellowpages.com](http://web.archive.org/web/20010812185015/http://info.yellowpages.com), p.1.  
Shows categorized classified online business directory.
- PTO 892 Item X8: AnyWho: Internet Directory Assistance (June 4, 2002);  
[web.archive.org/web/20020604005403/http://www.anywho.com/yp.html](http://web.archive.org/web/20020604005403/http://www.anywho.com/yp.html), p.1.  
Shows categorized classified online business directory.
- PTO 892 Item U9: BAPCO - Grow My Business with Advertising - Directory Advertising Works (November 8, 2001);  
[web.archive.org/web/20011108022437/bellsouth.com/bapco/growbusiness/yp\\_work...](http://web.archive.org/web/20011108022437/bellsouth.com/bapco/growbusiness/yp_work...), p.1. Teaches the promotion of a categorized classified online business directory to potential clientele.
- PTO 892 Item V9: BAPCO - Grow My Business with Advertising - Directory Advertising Works (October 30, 2001);  
[web.archive.org/web/20011030075652/bellsouth.com/bapco/growbusiness/yp](http://web.archive.org/web/20011030075652/bellsouth.com/bapco/growbusiness/yp)

\_work..., p.1. Teaches the promotion of a categorized classified online business directory to potential clientele.

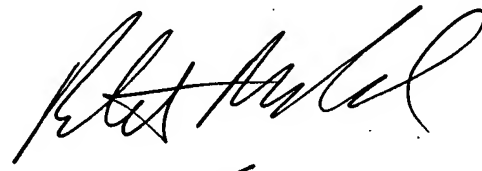
- PTO 892 Item W9: BellSouth, Welcome to BellSouth Advertising and Publishing (June 2, 2002);  
[web.archive.org/web/20020602130048/http://www.bellsouth.com/bapco/index.html](http://web.archive.org/web/20020602130048/http://www.bellsouth.com/bapco/index.html), p.1-2. Teaches the promotion of a categorized classified online business directory to potential clientele. Includes graphical representation of webpage with similarities to the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 571.272.7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adam Levine  
Patent Examiner  
July 19, 2005



Primary Examiner